

OFFICE OF THE STATE PUBLIC DEFENDER



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STATE OF MONTANA

To: Public Defender Commission
From: William Hooks, Chief Public Defender
Date: September 30, 2016

Re: Proposal to Leave Social Worker Positions Unfilled

Following the 2015 legislative session, the Governor's Office provided Program 1 with funding for additional full-time employee positions. Several of these positions were then given to Program 3, to hire full- and part-time attorneys to cut down on private attorney costs. Then, Program 1 added several new positions, including attorneys and support staff.

We also have been working on plans to expand our social work program by adding social worker/case manager positions in the Billings and Missoula regional offices. We chose these locations based in part on the number of cases filed, and the proximity to universities so we could develop internship programs. We posted the jobs, secured office space and interviewed applicants. However, these 2 positions were among five positions that were not yet filled as of the date of the submission of the draft mitigation plan. (the other 3 unfilled positions are 2 eligibility specialist positions, to be assigned in Miles City, to cover the Miles City and Glendive regions, and in the Billings office; and, 1 paralegal, to be assigned to the Helena office.)

The social worker positions should not be left vacant. Simply stated, social workers save clients, and in doing so, they save money. They more than pay for themselves. Social workers help our attorneys be more productive, efficient, and economical. Our experience with our social work project in the Helena office, and our review of social work programs in other public defender offices, compel the conclusion that using social workers is fiscally sound and a necessary component of our work. They further the goal of long-term savings.

The Helena Experience.

Lisa Benevides was hired in 2014 as a social worker/case manager in our Helena office. She has implemented an internship program with Carroll College. Enhanced productivity and cost savings are tangible benefits from utilizing social work services, both in criminal cases and in dependent/neglect (DN) cases.

Staff reports: A staff attorney in our Helena office noted that “Lisa saved me countless hours of helping my client through a very stressful situation...All the hours she spent were hours I would have needed to spend that I was then able to work on the legal side of the case...”

Another of our Helena attorneys has “no doubt that the cycle of [mental health] commitments would have continued if not for Lisa’s involvement in the case. She helped move the criminal case along and prevented the waste of large sums of money to keep committing and housing [client] at the state hospital.”

Lisa’s involvement in cases can help bring about better, more appropriate resolutions. One of our Helena attorneys reported that “without Lisa’s presence, training, and experience, I do not believe that [client] would have been as likely to have a second chance at keeping a felony off of her record, and be given a second chance, at the young age of 18.” Lisa helped another client get placed with an adult foster care program; had he not found a placement, he likely would have been sentenced to prison.

These are just a few of the many positive outcomes that have been achieved for our clients in the Helena office, in working with our social worker and interns. These positive outcomes – beneficial results for inmates and parents in a cost-effective way – are recognized by judges, DPHHS supervisors, contract attorneys, and families. Earlier this year we received letters of support from people outside of OPD who have worked with Lisa and her interns. The following excerpts reflect the value and benefit of social workers as part of public defense.

Statements of Support.

The addition of a social worker has increased dramatically the chance of dealing with underlying issues that may adversely affect the lives of our people.... I fully support the plan to increase the availability of social workers to assist indigent defendants.

- *Municipal Court Judge Wood*

I worked extensively with Lisa Benavides to help aid in getting inmates services that would help them while incarcerated as well as while released... This service helps inmates and would continue to benefit inmates if expanded.

- *Jail Diversion Therapist*

Having a consistent, reliable, and knowledgeable person who the patients can count on to assist them with placement before, during, and after inpatient chemical dependency treatment is an unmeasurable benefit."

- *Admissions Coordinator, Montana Chemical Dependency Center, DPHHS*

[We support OPD] for funding for additional social work supports in the public defender offices across the state.... Overall the social worker and interns in the Helena office have been a great support to our CPS staff and clients and have helped cases progress much faster than they would have without this assistance.

- *Letter signed by three Child Protections Specialist Supervisors with DPHHS*

Faster progress can mean less expensive cases.

Lisa has been invaluable in setting up drug testing for the clients, following up with service providers to pave the way for the clients, and dealing with the CPS workers on visitation and other issues related to the treatment plans. All of this has been to the clients' benefit. Had all of this fallen on my shoulders, as it does in my other dependent/neglect cases where I don't have Lisa's help, the collateral damage results in billings substantially more time on the case.

- *Contract Attorney*

Dedicated social work supports, such as Ms. Benevides in the Helena office, are integral to the success of women involved in the legal system... [I support OPD's] application for funding for additional social work supports in the public defender offices across the state.

- *Executive Director, YWCA*

My hope is that you comprehend the difference Lisa makes and make it possible for additional positions of this capacity to be created throughout the state. This positive focus on people and families in crisis will have a long-reaching impact for generations to come.

- *A client's mother*

Planned Expansion and Consultation with Kentucky Social Work Program.

Clearly, the value to our agency and our clients will be increased by expanding our social work program to Billings and Missoula.

We recognized the need to develop and implement our expansion in the in the right way. Our Helena pilot project was a new step for OPD. We wanted to make sure our expansion was done in a way that provided value and efficiencies. To that end, after looking at other agency programs, we contacted the Kentucky public defender's social work program for consultation.

The Kentucky PD agency, known as the Department of Public Advocacy (DPA), has an award-winning social worker program. It was recognized in 2013 as one of the country's top 25 programs in the Innovations in American Government Award sponsored by the John F. Kennedy School of Government at Harvard.

The DPA social work program began in 2006, when the state legislature funded a social work pilot project with 3 social workers. Sarah Johnson was one of those three, and she now heads the program, which has this resource in every field office in the state. They focus primarily on criminal cases, and these positions are called Alternative Sentencing Workers, as not all are social workers. They have demonstrated the fiscal benefit and cost savings of developing a state-wide social work public defense program.

A 2008 Report on an evaluation of the pilot program conducted by the Kent School of Social Work, University of Louisville, found that "the state saved \$3.25 of incarceration costs for every \$1 invested in social workers' salaries. If this program were funded for statewide implementation, the estimated taxpayer savings would be between \$3.1 and \$4 million per year."

A study of the outcomes of the program conducted in 2013 by a professor with the Department of Behavioral Science and Center on Drug and Alcohol Research, University of Kentucky identified a remarkable return on investment of this program:

"At the high end there was a cost/benefit relation of \$1: \$6.80 and in the low end there was a relation of \$1: \$4.47. These ratios can be stated such that for every dollar spent on the DPA alternative sentencing program, there was a savings of \$4.47 to \$6.80."

I discussed with Ms. Johnson the steps they took to establish and quantify these savings. In Kentucky, they define specific case types in which the social worker can become involved. Benchmarks or standards are used to show savings; one of the most frequent benchmarks they use is the days of incarceration saved by social worker/ASW involvement.

Kentucky uses Just Ware as their case management system to enter data and run reports. They worked with the vendor to develop and tailor the system to meet the needs of their program. Notably, and of particular interest to OPD, we use Just Ware too.

Ms. Johnson and Ed Monahan, the head of the public defender office, have assured OPD they are ready and willing to help OPD and consult with us to get our expanded social work program underway. They provided us with a copy of a DPA memo outlining their program case priorities and a copy of the assessment they use for data entry for the cases in which social workers participate. With DPA's assistance, we are well on our way to providing increased benefits to our clients and other stakeholders in the court system, in a cost-effective and efficient manner.

Recommendation to Continue Social Work Program.

Social workers and case managers are a cost-effective resource in providing a high level of representation to our clients. We should fill the two positions slotted for social workers in Billings and Missoula. We may be able to raise our sights, and expand the program, potentially by providing contract attorneys with access to social worker involvement. If we implemented this program in an area with a high number of DN cases, we should expect to see a decrease in contract costs, as the work they currently are providing would be done more thoroughly and promptly by social workers.